

House Public Service Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1459

House Bill No. 1217*

by deleting all language after the enacting clause and substituting instead:

SECTION 1. Tennessee Code Annotated, Section 4-15-102(a), is amended by designating the existing language as (a)(1)(A)–(C) and adding the following new subdivision (a)(2):

(2)

(A) Notwithstanding another law to the contrary, this section does not apply to capital projects of a public institution of higher education managed by a higher education state procurement agency that are either fully funded by donations received from a third party or revenue from self-supporting auxiliary projects, including projects financed with revenue bonds, or both. If a public institution of higher education undertakes projects under this subdivision (a)(2), then the net increase in square footage is not eligible for maintenance funding from the state. All projects under this subdivision (a)(2) may be approved by the governing board or its designee and must be reported to the commission on a quarterly basis.

(B) Except as otherwise provided by this subdivision (a)(2), the higher education state procurement agency must follow the policies adopted under the authority of the state building commission for capital projects under the state building commission's supervision and approval authority when the higher education state procurement agency selects the designer and contracts for construction. However, the higher education state procurement agency is



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responsible for the final selection of designers, contractors, and protests.

(C) Projects reported pursuant to this subdivision (a)(2) are not subject to disclosure beyond the inclusion of revenue bonds requested for such projects in the annual budget.

SECTION 2. Tennessee Code Annotated, Section 4-15-102(c)(1), is amended by adding the following new subdivision (D):

(D)

(i) For capital projects that do not utilize funds appropriated for capital maintenance or capital outlay, public institutions of higher education may select and contract with designers and complete up to fifty percent (50%) of schematic design work for capital projects prior to submission to the commission for review and approval.

(ii) Except for the exemptions provided by this subdivision (c)(1)(D), the higher education state procurement agency shall follow the policies adopted under the authority of the state building commission for capital projects under the state building commission's supervision and approval authority when the higher education state procurement agency selects the designer and contracts for construction. However, the higher education state procurement agency is responsible for final selection of designers, contractors, and protests.

SECTION 3. Tennessee Code Annotated, Section 4-15-102(e), is amended by adding the following as a new subdivision:

(3) Public institutions of higher education shall establish a transparent process to publicly disclose capital projects of ten million dollars (\$10,000,000) or less and paid by current or residual funds directly to the state building commission. The disclosure required pursuant to this subdivision (e)(3) must consist of a description of the project and the project budget and funding source, as the project is approved by the board of the institution or the board's designee. Projects disclosed pursuant to this subdivision

(e)(3) are not subject to additional disclosure requirements.

SECTION 4. Tennessee Code Annotated, Section 4-15-107, is amended by inserting the following as a new appropriately designated subdivision:

"State procurement agency" means, as appropriate, the department of general services, state of Tennessee real estate asset management; University of Tennessee, department of capital projects; Tennessee board of regents, department of facilities development; East Tennessee State University, office of facilities management, planning, and construction; Austin Peay State University, capital planning, design and construction; Tennessee Technological University, office of capital projects and planning; Middle Tennessee State University, department of campus planning; and University of Memphis, department of campus planning and design, or the successors-in-interest to such departments;

SECTION 5. Tennessee Code Annotated, Section 4-15-107(3), is amended by deleting subdivisions (A) and (B) and substituting instead:

- (A) Is being funded by direct appropriations for major maintenance;
- (B) Will cost in excess of two hundred fifty thousand dollars (\$250,000); or
- (C) Will cost a public institution of higher education in excess of one million dollars (\$1,000,000); and

SECTION 6. Tennessee Code Annotated, Section 49-7-132, is amended by deleting the section and substituting instead:

An expenditure or combination of separate expenditures in excess of one million dollars (\$1,000,000), or a subsequent greater threshold established by the state building commission, made in a six-month period on a single building or structure owned or leased by a public institution of higher education or governing board of the institution is subject to the approval of the state building commission.

SECTION 7. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

A public institution of higher education may prepare, amend, and update master plans for the institution. Preparations, amendments, and updates made pursuant to this section are subject to approval only by the institution's governing board.

SECTION 8. This act takes effect July 1, 2023, the public welfare requiring it.

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AMEND Senate Bill No. 990

House Bill No. 884*

by deleting the language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 8-35-206(i), is amended by deleting the subsection and substituting instead:

(i)

(1) A local government employer participating under this part that desires to establish a benefit improvement authorized under chapters 34-37 of this title shall pay the estimated increased pension liability created by the improvement; provided, however, that, in accordance with § 8-37-505, the failure to pay the liability may result in the withholding of the liability amount, in whole or in part, from any state-shared taxes that are otherwise apportioned to the local government. The retirement system or the retirement system's actuary shall determine the estimated increase to the pension liability and to the associated contribution rate for the employer. The employer shall not establish a benefit improvement unless the employer's funded status in the retirement system will be seventy percent (70%) or more after implementation of the benefit improvement. For the purposes of this subdivision (i)(1), the employer's funded status is measured by the percentage funding of the employer's market value of assets divided by the actuarially accrued liability in accordance with rules, standards, guidelines, and interpretations established by the governmental accounting standards board. After the participating employer's approval of the benefit



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improvement by adoption of a resolution, the employer shall pay the estimated increased pension liability through one (1) of the following methods:

(A) A lump sum;

(B) An increase in the employer's contribution rate over the course of the fiscal year (July 1-June 30) following the adoption of the resolution by the employer; or

(C) Amortizing the unfunded accrued liability over a period of time not to exceed ten (10) years from the date of the adoption of the resolution by the employer.

(2) For benefit improvements funded pursuant to subdivisions (i)(1)(A) and (i)(1)(B), a former or current employee of the employer is not entitled to the benefit improvement until the estimated increased pension liability has been totally funded by the employer.

(3) In the event the liability is amortized in accordance with subdivision (i)(1)(C), the benefit improvement must be available at the commencement of the amortization period.

(4) For the purposes of this section, "benefit improvement" does not include the supplemental bridge benefit established pursuant to § 8-36-211 for members who are subject to mandatory retirement pursuant to § 8-36-205.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 35, Part 1, is amended by adding the following as a new section:

(a) The state shall pay the estimated increased pension liability resulting from a benefit improvement affecting general employees or employees at institutions of higher education participating in the retirement system by amortizing the unfunded accrued liability over a period of time not to exceed ten (10) years from the date that the benefit improvement is established.

(b) For the purposes of this section, "benefit improvement" does not include the supplemental bridge benefit established pursuant to § 8-36-211 for members who are subject to mandatory retirement pursuant to § 8-36-205.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to all benefit improvements adopted on or after July 1, 2023.

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AMEND Senate Bill No. 1173

House Bill No. 1164*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 20, is amended by adding the following as a new section:

(a) The commissioner of safety, in consultation with the commissioner of human resources, shall ensure that a minimum of five (5) Tennessee highway patrol officers, and one (1) Tennessee highway patrol sergeant, are allocated to a county that:

(1) Is designated as a tier 3 or tier 4 enhancement county, in accordance with § 67-4-2109;

(2) Has a size that is greater than six hundred square miles (600 sq. mi.);
and

(3) Has a population of not less than twenty thousand (20,000) and not more than fifty thousand (50,000), according to the 2020 federal census or a subsequent federal census.

(b) An allocation under this section must first fill vacant positions, if any, in the specified county. If no vacant position exists in the county, or if there are not enough vacant positions in the county, then the commissioner of safety, in consultation with the commissioner of human resources, shall reallocate or shift existing vacant positions across this state to such county, subject to subsection (d).

(c) An allocation made under this section must not be for a specialized unit.

(d) The commissioner of safety is not required to comply with subsection (a) if:



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(1) The department of safety does not have the funding or vacant positions available to meet the requirements in subsection (a); or

(2) The positions required under subsection (a) are being used for other purposes within the department of safety and cannot be maintained in the designated county in subsection (a) due to the department's need to utilize the positions elsewhere.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.